

Feb-14-2003 02:30pm From-BURR AND BROWN

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TECHNOLOGY CENTER 2800

To: Examiner Jaydi A. Aguirrechea Fax No. (703) 872-9318
From: Stephen P. Burr Fax No. (315) 233-8320
Re: In re the Application of: Tomohiko SHIBATA, Yukinori NAKAMURA and
Mitsuhiko TANAKA
Serial No.: 09/997,997 Art Unit: 2834
Date Filed: November 30, 2001 Conf. No. 3908
Title: A SUBSTRATE USABLE FOR AN ACOUSTIC SURFACE WAVE DEVICE, A
METHOD FOR FABRICATING THE SAME SUBSTRATE AND AN ACOUSTIC
SURFACE WAVE DEVICE HAVING THE SAME SUBSTRATE

Our Docket No.: 782_200

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COMMENTS:

I hereby certify that the following paper(s) is/are being facsimile transmitted to (703) 872-9318 at the Patent and Trademark Office on *February 14, 2003*:

	<u>Paper</u>	<u># of Pages</u>
1. Response to Restriction Requirement		<u>2</u>
Total Pages (including cover page)		<u>3</u>

Elizabeth A. VanAntwerp
Elizabeth A. VanAntwerp

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Practitioner's Docket No.: 782_200

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED**In re Application of: Tomohiko SHIBATA, Yukinori NAKAMURA and
Mitsuhiko TANAKA

FEB 14 2003

Ser. No.: 09/997,997

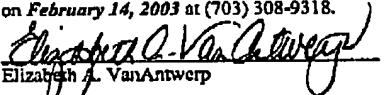
Art Unit: 2834 TECHNOLOGY CENTER 2800

Filed: November 30, 2001

Examiner: Jaydi A. Aguirrechea

Confirmation No.: 3908

For: A SUBSTRATE USABLE FOR AN ACOUSTIC SURFACE WAVE DEVICE, A
METHOD FOR FABRICATING THE SAME SUBSTRATE AND AN ACOUSTIC
SURFACE WAVE DEVICE HAVING THE SAME SUBSTRATEAssistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATION OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on February 14, 2003 at (703) 308-9318.
 Elizabeth A. VanAntwerp

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed February 7, 2003, applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1, 2, 6 and 7) in this application.

However, applicants respectfully traverse the restriction requirement since the subject matter of claims 1 - 7 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire

application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

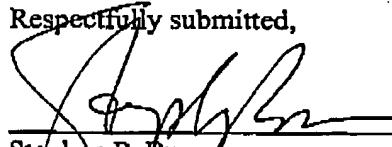
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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Stephen P. Burr
Reg. No. 32,970

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February 14, 2003
Date

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